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10/022,639	12/17/2001	Robert N. Amensen	P05150US0	1871

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EXAMINER

KRAMER, JAMES A

ART UNIT PAPER NUMBER

3627

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/022,639	Applicant(s) AMENSEN ET AL.	
	Examiner James A. Kramer	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-15, 17-22, 25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-15, 17-22 and 25-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-11 13-16, 21-23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Danneels in view of Dworkin.

Danneels teaches a dynamic linking of supplier web sites (first website) to reseller web sites (second website) which includes the supplier (first) web site adapted to communicate product information to consumers and adapted to receive at least one product purchase selection from the consumer (see for example column 3, lines 25-32).

Danneels further teaches a cart transfer for transferring the at least one product purchase selection from the first website to a shopping cart of a second website (see for example column 3, line 45 through column 4, line 6). Examiner notes that transfer of the shopping list to the reseller website so that “the user does not have to reselect the list of items to be purchased one her or she is linked to the reseller’s web site,” and “the purchaser being shown a list of items that were previously selected, along with prices therefor, such that the purchaser has the opportunity to change quantities of the items purchased,” represents a transfer of product purchase selections to a “shopping cart”.

Examiner finds support for this assertion by turning to Applicant's Specification on page 10, lines 20-28 and Figure 5 for a definition of "shopping cart". Specifically, Applicant states that "a 'shopping cart' or 'cart' may also be called a 'shopping basket,' 'shopping bag,' or other container which a consumer may use to hold items to purchase prior to checking out or otherwise completing a transaction." Examiner asserts a reseller website including a webpage containing a list of items, previously selected (on the supplier website) such that the purchaser has the opportunity to change quantities (illustrates prior to checking out) meets Applicant's definition of a "shopping cart". Further the teaching of Danneels ("the purchaser being shown a list of items that were previously selected, along with prices therefor, such that the purchaser has the opportunity to change quantities of the items purchased") exactly mirrors the "cart" illustrated by Applicant in Figure 5.

Danneels teaches one or more inputs for receiving information about consumer preferences (see for example column 3, lines 40-44).

Danneels teaches wherein the first website is a manufacturer website (supplier) and the second website is a customer website (reseller) (see for example Background of the Invention).

Danneels teaches a shopping cart on the first website associated with the consumer and adapted to maintain the product purchase selection (see for example column 3, lines 29-31).

Art Unit: 3627

Danneels teaches a customer selection component adapted for the consumer to select the second website (see for example column 3, lines 45-47).

Danneels teaches the capability of the product purchase selection being an appliance. Examiner notes that claim 7 is an apparatus claim, as such the claim distinguish itself over the reference based on its structure. The type of product selected relates to the function of the apparatus and as such the system of Danneels need only be capable of use with appliances to anticipate the claim.

Danneels teaches wherein the cart transfer includes passing a product identifier (see for example column 6, lines 45-47).

Danneels as described in detail above, teaches dynamically generating and displaying a list of resellers from which the purchaser can directly purchase items prior to transferring the selected product from the supplier (first) website to the reseller (second) website (see column 3, lines 34-45)

Danneels further teaches a reseller entering information including information regarding the items of the supplier that are sold available from the reseller (see for example column 3, lines 2-18). However, Danneels does not specifically teach that this information includes pricing, availability and policies of the customer website (reseller) which could then be displayed to the consumer prior to transferring the product purchase selection from first website to second website.

Dworkin teaches an automated system to assist users in locating and purchasing goods or services sold by a plurality of vendors. The system provide users with a listing of price, specification (policies) and availability prior to selection and purchase by the user (see Abstract). Dworkin teaches an object of the invention is to greatly reduce the amount of time required in shopping for products (see column 2, lines 63-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention modify the information entered by the reseller and presented to purchasers of Danneels to include information about price, specification (policies) and availability as taught by Dworkin. One of ordinary skill in the art would have been motivated to modify the references in order to greatly reduce the amount of time required in shopping for products.

With respect the new amendments to claims 15 and 21 Danneels also does not specifically teach wherein product purchase selection information includes user information (claim 15). Examiner notes that “information from a consumer necessary to complete a transaction” (claim 21) represents product identification and user information as claimed in claim 15. Examiner further notes that Danneels teaches the transfer of a product identifier (see for example column 3, lines 50-55) just not the transfer of user information.

Dworkin teaches a user can order a product through the system by selecting a product by its identifier. The system then prompts the user for information necessary to complete the transaction and forwards this information on to the selected supplier (see for example column 2, lines 34-40). Dworkin teaches this is done in order to eliminate the need for users to consult hundreds or thousands of suppliers directly (see column 1, lines 57-61).

Art Unit: 3627

It would have been obvious to one of ordinary skill in the art to modify the teachings of Danneels to include prompting a user for information necessary to complete a transaction and then forwarding this information on to the supplier as taught by Dworkin. One of ordinary skill in the art would have been motivated to make such a modification in order to eliminate the need for users to consult hundreds or thousands of suppliers directly as taught by Dworkin.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Danneels in view Dworkin as applied to claim 1 above and in further view of Microsoft Computer Dictionary.

Danneels does not teach the cart transfer includes a XML transfer. However Danneels does teach an HTML code for transfer of product information (cart transfer).

As such Examiner relies on Microsoft Computer Dictionary to teach that XML is a condensed form of SGML which lets developer and designers create customized tags that offer greater flexibility in organizing and presenting information than is possible with older coding systems such as HTML (page 489). In other words, Microsoft Computer Dictionary teaches that XML is an old and well known web/Internet coding standard (also see definition of SGML on page 405).

As such, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the HTML coding of Danneels to XML and in particular to have the cart transfer include an XML transfer, as taught to be old and well known by Microsoft Computer Dictionary. One of ordinary skill at the time of the invention would have been

Art Unit: 3627

motivated to modify the reference to offer greater flexibility in organizing and presenting information than would have been possible with older coding systems.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Danneels in view of Dworkin as applied to claim 1 above and in further view of Admitted prior Art.

Danneels teaches narrowing the list of resellers from which a user can purchase items based on those resellers in the purchaser's proximate geographic area (see column 3, lines 37-45). However, Danneels does not specifically recite that to find resellers based on proximate geographic area a zip code is used. Examiner took Official Notice in the previous Office Action that it is old and well known in the art to determine a purchaser's proximate geographic area with a zip and that one of ordinary skill in the art would recognize that a zip code a standard geographical locator and would be used in order to capitalize on this pre-established standard. As Applicant failed to traverse this assertion it is hereby found to be admitted Prior Art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the narrowing of the list of resellers of Danneels by using a zip code submitted by the customer as is old and well known. One of ordinary skill in the art would have been motivated to modify the reference in order to capitalize on the pre-established zip code standard.

Claim 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Danneels in view of Greszberg.

Danneels as discussed in detail above further teaches narrowing the list of resellers from which a user can purchase items based on those resellers in the purchaser's proximate geographic area (see column 3, lines 37-45). However, Danneels does not specifically recite, "receiving a zip code from the online consumer" nor "each of the customers being authorized for delivery and installation of the at least one product purchase selection to the zip code." Examiner notes that this represents identifying a delivery area for each customer and identifying consumers in that area.

Greszberg teaches users enter an address which he/she can designate as a delivery address for products and services (see for example column 8, lines 57-60). Examiner notes that this represents entering a zip code. Greszberg further teaches an online database query to determine a list of pizza companies (customers) that deliver to a delivery address (consumer's zip codes) (see for example column 9, lines 19-30). Greszberg teaches that this system provides consumers a simple process for ordering goods and services (see column 10, lines 14-16).

It would have been obvious to one of ordinary skill in the art to modify the teachings of Danneels to allow users (consumers) to enter a delivery address (zip code) as taught by Greszberg and to further modify the list of resellers of Danneels (see Danneels column 3, lines 37-45) based on those resellers who will delivery and install the product to the user's address (zip code) as taught by Greszberg. One of ordinary skill in the art would have been motivated to make these modifications in order to provide consumers a simple process for ordering goods and services as taught by Greszberg.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Danneels in view of Greszberg applied to claim 19 above and in further view of Applicant's Disclosure.

Danneels as described in detail above does not specifically teach the supplier sells appliances. Applicant admits in the "Problems in the Art" section that it is old and well known for appliance manufacturers to sell their appliances over the Internet. Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention modify the products sold in Danneels to specifically include appliances, as it admitted to be old and well known by Applicant. One of ordinary skill in the art would have been motivated to modify the references in order to facilitate the purchase of appliances between the buyers and the manufactures.

Response to Arguments

Applicant's arguments filed 4/10/06 have been fully considered but they are not persuasive.

Applicant's arguments begin on page 9 of the amendment filed 4/10/06.

On page 10, Applicant asserts that, "neither reference (Dworkin & Danneels) addresses precisely the same problem as addressed by the present invention – wanting to increase the likelihood that a sale referred to an online partner is consummated." Applicant supports this position in the 2nd paragraph of page 10 by stating, "The present invention provides significant and substantial benefits over Danneels. The terminology often used throughout the present application to describe the present invention is "cart transfer". This terminology connotes that

the buying decision has been made and a consumer is ready to check out. Further in the 2nd paragraph of page 11 Applicant discussed the newly added amendments (i.e. “to thereby assist consumers in making purchasing decisions prior to leaving the first website) and asserts that, “neither Danneels nor Dworkin disclose this limitation.”

Examiner respectfully disagrees with Applicant’s position for the following reasons:

1) It is unclear to the Examiner what Applicant is arguing. By stating that the prior art doesn’t “address precisely the same problem as addressed by the present invention,” it appears Applicant is claiming that neither Dworkin nor Danneels is analogous prior art. Examiner respectfully disagrees with this notion as the references are both in the field of applicant’s endeavor (see MPEP 2141.01(a)).

2) Examiner further disagrees that Applicant’s primary problem addressed by the present invention is “wanting to increase the likelihood that a sale referred to an online partner is consummated.” Turning once again to Applicant’s Specification, specifically the section titled “Problems In The Art” found on page 1, line 12 through page 5, line 22, Examiner fails to find this problem mentioned. However, Examiner does find numerous problems mentioned that are addressed by Danneels in view of Dworkin. For example page 3, lines 7-10, “A further problem with simple link-puts is that consumers starting on a manufacturer’s web site must go through an entire navigations process to find the product they want.” Also page 3, lines 15-19, “A further problem is that if a consumer desires to check price and availability with more than one retailer, they must repeat the entire navigation process in each of the retailer’s web sites.”

3) Examiner disagrees that the term “cart transfer” connotes that a buying decision has been made and a consumer is ready to check out. Rather, Examiner argues that if anything “cart

Art Unit: 3627

transfer” connotes the exact opposite of Applicant definition. Specifically a consumer utilizes a shopping cart when he/she has seen a product they are interested in but aren’t ready to check out. Once again Examiner turns to Applicant’s own Specification on page 10, lines 20-28 and Figure 5 for a definition of “shopping cart”. Specifically, Applicant states that “a ‘shopping cart’ or ‘cart’ may also be called a ‘shopping basket,’ ‘shopping bag,’ or other container which a consumer may use to hold items to purchase prior to checking out or otherwise completing a transaction.” This is further supported by the fact that users can change and modify their selections in the shopping cart before consummating the transaction. In other words, a consumer puts items of interest into the cart and continues shopping. This is very different from the consumer making a buying decision and being ready to check out.

4) For argument’s sake, even if “shopping cart” did connote a user’s readiness to check out, Applicant’s present invention can’t control a buyer’s decision framework. Applicant argues on page 11, lines 15-17, “the consumer makes the decision whether to buy or not on the first web site, and manifests this decision by placing a product selection in the cart. Before leaving the first web site, the consumer knows what price will be when.” Examiner asserts that Applicant can not control whether or not a consumer makes a decision to buy. Further placing a product selection in a cart does not necessarily mean the user has made a decision whether to buy.

However, for further sake of argument, if placing a product in a shopping cart is a manifestation of a consumer’s decision to buy a product, then one must apply that same fact to a consumer using the system of Danneels. In other words, Applicant would have to be arguing that under this scenario the manifestation of a consumers decision to buy is the inherent result of placing an item in a shopping cart. Therefore when a consumer places an order in the shopping

Art Unit: 3627

cart of Danneels it must, under Applicant's argument, be a manifestation of his/her decision to purchase the product.

5) The combination of Danneels and Dworkin teach providing the price and availability to the user prior to the selection of the product by the consumer. From Rejection of Claims under 35 USC 103 section above:

"Danneels further teaches a reseller entering information including information regarding the items of the supplier that are sold available from the reseller (see for example column 3, lines 2-18). However, Danneels does not specifically teach that this information includes pricing, availability and policies of the customer website (reseller) which could then be displayed to the consumer prior to transferring the product purchase selection from first website to second website.

"Dworkin teaches an automated system to assist users in locating and purchasing goods or services sold by a plurality of vendors. The system provide users with a listing of price, specification (policies) and availability prior to selection and purchase by the user (see Abstract). Dworkin teaches an object of the invention is to greatly reduce the amount of time required in shopping for products (see column 2, lines 63-65).

"It would have been obvious to one of ordinary skill in the art at the time of the invention modify the information entered by the reseller and presented to purchasers of Danneels to include information about price, specification (policies) and availability as taught by Dworkin. One of ordinary skill in the art would have been motivated to modify the references in order to greatly reduce the amount of time required in shopping for products."

Applicant address independent claim 10 on page 12, line 14 through page 13, line 10.

Specifically, Applicant asserts that the prior art references fail to teach providing a price to the consumer before the consumer transfers the information from the first web site to the shopping cart of the second web site. Examiner respectfully disagrees. A pointed out in point 5 above, this is precisely what the combination of Danneels and Dworkin teaches. In fact this is specifically the feature Dworkin is used to teach.

Art Unit: 3627

Applicant addresses claim 15 on page 13, lines 11 – end of page. In particular Applicant once again asserts that the prior art references fail to provide a price prior to selection by the user and cart transfer. Examiner believes that the position of the Examiner is clear, as this issue has been addressed already (see point 5 above).

Applicant also asserts that the prior art references fail to teach “wherein the product purchase selection information comprises a product identifier and user information.” Examiner notes that this is a newly amended feature. Therefore, this feature was not previously addressed in the prior Office Action. However, Examiner has addressed this feature in the present Office Action. In particular Examiner notes that Danneels teaches a transfer of product information (see column 3, lines 50-54) and Dworkin teaches the transfer of user information (see column 2, lines 34-41).

Applicant address claim 21 on page 14, lines 1 – 8. Applicant once again asserts that the prior art references fail to provide a price prior to selection by the user and cart transfer. Examiner believes that the position of the Examiner is clear, as this issue has been addressed already (see point 5 above).

Applicant also asserts that neither Dworkin nor Danneels disclose receiving sufficient information from a consumer to complete a transaction on the manufacturer web site and transferring the information to the retailer web site. Examiner once again notes that this is a newly added limitation and therefore not previously addressed. However, as pointed out above this limitation is taught by Dworkin at column 2, lines 34-41, as noted in the Rejection under 35 USC 103 section above.

Applicant address claim 25 on page 14, lines 9-14. Applicant asserts that the prior art fails to teach maintaining current product information. Examiner starts by noting that this is a newly added limitation. However, Examiner asserts that this feature is taught by Danneels at column 2, line 66 through column 3, line 2.

Applicant addressed claims 17-19 on page 14, line 15 through page 15, line 19. Applicant asserts that the newly amended language (i.e. each of the customers being authorized for delivery and installation of the at least one product purchase selection to the zip code) is not taught. Examiner notes that this argument is moot in view of the new grounds of rejection which where necessitated by the amendment.

Applicant address claims 8 and 20 on page 15, line 20 through page 16, line 6. Applicant asserts that claim 8 depends from claim 1 and claim 20 depends from claim 19. Applicant references arguments with respect to claims 1 and 19 for the allowability of claims 8 and 20. Examiner thus points to the response to arguments of claims 1 and 19 here.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

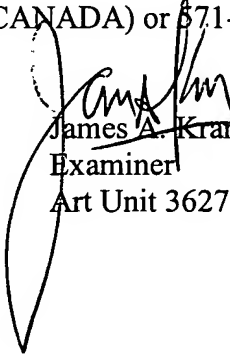
Art Unit: 3627

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272 6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


James A. Kramer
Examiner
Art Unit 3627

6/14/06

JAK